

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

John T. Herald,

Case No. 3:18CV496

Plaintiff

v.

ORDER

Warden Shelbie Smith,

Defendant

This is a state prisoner habeas corpus case under 28 U.S.C § 2254. Following referral to Magistrate Judge Johnathan Greenberg and his filing of a Report & Recommendation (R&R) (Doc. 11), Judge Greenberg has recommended dismissal with prejudice.

The R&R informed the petitioner of his right under 28 U.S.C. § 636(b)(1) to obtain *de novo* review by the undersigned.

The petitioner has not filed an objection to the R&R.

Nonetheless, I have conducted a *de novo* review to determine whether there is any merit to the petition. I find none, and I agree with Judge Greenberg's determinations as to the underlying facts and applicable legal doctrines and case law. I agree, based on such review, that there is no merit to the petition, and that the petitioner is not entitled to relief.

It is, accordingly, hereby,

ORDERED THAT the Magistrate Judge's Report and Recommendation (Doc. 11) be, and the same hereby is, adopted as the order of the undersigned, and that the petition for habeas corpus relief be, and the same hereby is denied and dismissed with prejudice.

I conclude that no plausible grounds for appellate review exist, and I therefore decline to issue a certificate of appealability.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge